



General Assembly

***Substitute Bill No. 1055***

*January Session, 2001*

***AN ACT CONCERNING THE PROBATE STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 45a-341 of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       (a) (1) An inventory of all the property of every deceased person  
4       and insolvent debtor, except real property situated outside the state,  
5       duly appraised, shall be made and signed under penalty of false  
6       statement by the fiduciary.

7       (2) When any personal property of a deceased person or insolvent  
8       debtor is outside of this state the court may receive an inventory of  
9       such property, accompanied by such evidence of its value as it deems  
10      sufficient and signed under penalty of false statement by the fiduciary.

11      (3) The inventory and appraisal of the estate of any deceased  
12      nonresident shall include only such interest as the decedent had at the  
13      time of his or her death in the real property and tangible personal  
14      property situated in this state and intangible personal property,  
15      provided intangible personal property shall not be included if the  
16      proceeding in this state with regard to such estate is ancillary to a  
17      proceeding in another jurisdiction.

18      (4) The fiduciary shall appraise or cause to be appraised such  
19      inventoried property at its fair market value.

20 (b) (1) The fiduciary shall file the inventory in the court of probate  
21 having jurisdiction of the estate of the deceased person or insolvent  
22 debtor within two months after the acceptance of the bond or other  
23 qualification of the fiduciary.

24 (2) The court may, for cause shown, extend the time for the filing of  
25 such inventory to not more than four months from the qualification of  
26 the fiduciary.

27 (c) If the court grants administration of a decedent's estate to a  
28 person other than (1) the person designated in the will as executor or  
29 successor to such executor, (2) the surviving spouse, (3) any child of  
30 the decedent or any guardian of such child as the court shall  
31 determine, (4) any grandchild of the decedent or any guardian of such  
32 grandchild as the court shall determine, (5) the decedent's parents, (6)  
33 any brother or sister of the decedent, or (7) the next of kin entitled to  
34 share in the estate, the fiduciary appointed by the court shall file an  
35 inventory as required by this section prior to the sale, either under a  
36 power in the will or under the laws of this state, of any property other  
37 than real estate; except that if the fiduciary appointed is a state bank  
38 and trust company or national banking association authorized to do  
39 business in this state, such fiduciary shall not be required to file such  
40 an inventory of intangible personal property prior to sale. The  
41 fiduciary shall send a copy of such inventory to each person interested  
42 in the estate and shall notify each such person by regular mail, that a  
43 sale of certain items in the inventory is contemplated. Such notice shall  
44 inform the recipient that he or she may object to such sale by filing a  
45 notice of objection in writing with the court of probate having  
46 jurisdiction of the estate of the decedent within five days after receipt  
47 of such notice of sale. Upon receipt of such notice of objection, the  
48 court shall set a time and place for a hearing, with notice to all persons  
49 interested in the estate.

50 (d) Notwithstanding the provisions of subsection (c) of this section,  
51 upon application by the fiduciary, the court may order a sale of  
52 personal property without a hearing prior to the filing of an inventory

53 and notice of sale, provided the court finds that an expeditious sale is  
54 necessary for the protection of the estate and a delay would cause  
55 irreparable harm to the estate.

56 (e) The fiduciary shall file an inventory containing a legal  
57 description of any real estate of the decedent prior to a sale pursuant to  
58 sections 45a-162 to 45a-169, inclusive, and sections 45a-427 and  
59 45a-428.

60 [(f) The fiduciary shall file a return of sale with the court after any  
61 sale of real estate or personal property of the decedent.]

62 Sec. 2. Subsection (a) of section 45a-649 of the general statutes is  
63 repealed and the following is substituted in lieu thereof:

64 (a) Upon an application for involuntary representation, the court  
65 shall issue a citation to the following enumerated parties to appear  
66 before it at a time and place named in the citation, which shall be  
67 served on the parties at least seven days before the hearing date, which  
68 date shall not be more than thirty days after the receipt of the  
69 application by the Court of Probate unless continued for cause shown.  
70 Notice of the hearing shall be sent within thirty days after receipt of  
71 the application. (1) The court shall direct that personal service be  
72 made, by a state marshal, constable or an indifferent person, upon the  
73 following: (A) The respondent, except that if the court finds personal  
74 service on the respondent would be detrimental to the health or  
75 welfare of the respondent, the court may order that such service be  
76 made upon counsel for the respondent, if any, and if none, upon the  
77 attorney appointed under subsection (b) of this section; (B) the  
78 respondent's spouse, if any, if the spouse is not the applicant, except  
79 that in cases where the application is for involuntary representation  
80 pursuant to section 17b-456, and there is no spouse, the court shall  
81 order notice by certified mail to the children of the respondent and if  
82 none, the parents of the respondent and if none, the brothers and  
83 sisters of the respondent or their representatives, and if none, the next  
84 of kin of such respondent. (2) The court shall order such notice as it

85 directs to the following: (A) The applicant; (B) the person in charge of  
 86 welfare in the town where the respondent is domiciled or resident and  
 87 if there is no such person, the first selectman or chief executive officer  
 88 of the town if the respondent is receiving assistance from the town; (C)  
 89 the Commissioner of Social Services, if the respondent is in a state-  
 90 operated institution or receiving aid, care or assistance from the state;  
 91 (D) [by registered or certified mail, to] the Administrator of Veterans  
 92 Affairs if the respondent is receiving veterans' benefits or the Veterans  
 93 Home and Hospital, or both, if the respondent is receiving aid or care  
 94 from such hospital, or both; (E) the Commissioner of Administrative  
 95 Services, if the respondent is receiving aid or care from the state; (F)  
 96 the children of the respondent and if none, the parents of the  
 97 respondent and if none, the brothers and sisters of the respondent or  
 98 their representatives; (G) the person in charge of the hospital, nursing  
 99 home or some other institution, if the respondent is in a hospital,  
 100 nursing home or some other institution. (3) The court, in its discretion,  
 101 may order such notice as it directs to other persons having an interest  
 102 in the respondent and to such persons the respondent requests be  
 103 notified.

104 Sec. 3. Subsection (j) of section 45a-82 of the general statutes is  
 105 repealed and the following is substituted in lieu thereof:

106 (j) In the event that any court of probate otherwise receives income  
 107 which is insufficient to meet, on an ongoing basis, the reasonable and  
 108 necessary financial needs of that court, including the salaries of the  
 109 judge and the judge's staff, there shall be transferred from time to time  
 110 from the Probate Court Administration Fund such amounts as are  
 111 determined by the Probate Court Administrator to be reasonable and  
 112 necessary for the proper administration of each such court. Except as  
 113 provided in subsection (k) of section 45a-92, the judge's annual salary  
 114 shall not exceed the average annual salary of such judge for the three-  
 115 year period next preceding the request for financial assistance or the  
 116 product resulting from the multiplication of fifteen dollars by the  
 117 annual weighted-workload of the court, as defined in subsection (c) of  
 118 section 45a-92, whichever is greater, but not to exceed the annual

119 compensation provided in subsection (k) of section 45a-92.

120 Sec. 4. Section 45a-139 of the general statutes is repealed and the  
121 following is substituted in lieu thereof:

122 (a) As used in this title, except as otherwise provided, "bond" or  
123 "probate bond" means a bond with security given to secure the faithful  
124 performance by an appointed fiduciary of the duties of [his] the  
125 fiduciary's trust and the administration of and accounting for all  
126 moneys and other property coming into [his] the fiduciary's hands, as  
127 fiduciary, according to law.

128 (b) Except as otherwise provided, every bond or probate bond shall  
129 be payable to the state, shall be conditioned for the faithful  
130 performance by the principal in the bond of the duties of [his] the  
131 principal's trust and the administration of and accounting for all  
132 moneys and other property coming into [his] the principal's hands, as  
133 fiduciary, according to law, and shall be in such amount and with such  
134 security as shall be required by the judge of probate having jurisdiction  
135 pursuant to rules prescribed by the Supreme Court. If bond is required  
136 of a fiduciary, [his] the fiduciary's appointment shall not be effective  
137 until the bond has been accepted by the Court of Probate.

138 (c) A probate judge may waive the requirement of a bond if the  
139 assets of the estate are less than twenty thousand dollars, or if the  
140 amount of the estate which is not restricted by probate court order is  
141 less than ten thousand dollars.

**JUD**      *Joint Favorable Subst.-LCO*

**APP**      *Joint Favorable*